

ENTERED

December 23, 2015

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. G-15-MJ-95 (1)
	§	
BENJAMIN DOUGLAS GUIDRY	§	

ORDER OF DETENTION

On December 22, 2015, the Court conducted a combined Preliminary and Detention Hearing in the above-styled and numbered cause; the Government moved for the detention of the Defendant, **Benjamin Douglas Guidry**. The Government offered the testimony of F.B.I Agent Kelly Berry; **Guidry** made a proffer supporting his release. The Court also made the Pretrial Services report, which recommended detention, a part of the record. Having now considered all of the evidence the Court issues the following findings of fact and conclusions of law.

The Court **FINDS** that there is probable cause to believe that **Guidry** committed the offense of attempting to produce child pornography.

The Court further **FINDS**, in accordance with the Bail Reform Act, 18 U.S.C. §3142(f), that the following facts are established by clear and convincing evidence and require the detention of the **Benjamin Douglas Guidry** pending trial in this case:

1. Given the combination of, *inter alia*, the evidence of **Guidry**'s possession of a sexually explicit video of child pornography, his inappropriate actions towards several minor females and the video he apparently he made of one minor female

while she slept, the Court **FINDS** there is probable cause to believe that **Guidry** committed a violation of 18 U.S.C. §2251;

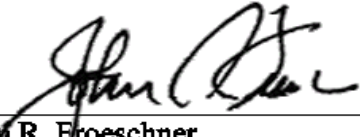
2. That by virtue of the probable cause finding a rebuttable presumption was created in favor of **Guidry's** detention, 18 U.S.C. §3142(e)(3)(E);
3. that Guidry's proffer of his parents' support and the availability of a local residential treatment facility failed to rebut the presumption created by 18 U.S.C. §3142(e)(3)(E);
5. that by virtue of the foregoing findings **Guidry** would constitute a danger to the community if released; and
6. that the credible evidence and information submitted establishes by clear and convincing evidence that there is no condition or combination of conditions which could be imposed upon **Guidry** by this Court to reasonably assure his appearance as required and the safety of any other person and the community if he were released.

It is, therefore, **ORDERED** that **Benjamin Douglas Guidry** be, and he is hereby, **COMMITTED** to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

It is further **ORDERED** that **Benjamin Douglas Guidry** **SHALL** be afforded a reasonable opportunity for private consultation with defense counsel.

It is further **ORDERED** that upon Order of a Court of the United States or upon request of an attorney for the Government, the person in charge of the corrections facility **SHALL** deliver **Benjamin Douglas Guidry** to the United States Marshal for the purpose of an appearance in connection with a Court proceeding.

DONE at Galveston, Texas this 23rd day of December, 2015.



John R. Froeschner
United States Magistrate Judge